

Joint House and Senate Judiciary Committee
Testimony in Support of House Bills 4806-4809

Dr. Francisco Villarruel
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I want to thank the Chairmen and members of both Judiciary Committees for address the important issue of juvenile life without parole. As a professor of Human Development and Family Studies at Michigan State University, I have spent my career understanding how youth development research informs justice policies. Much of my work also explores the overrepresentation of Latinos in the criminal justice system so I was particularly disturbed to learn that over 70% of Michigan "juvenile lifers" are youth of color. After reviewing House Bills 4806-4809, I strongly urge passage of this legislation, as it proposes a reasonable and balanced approach to this controversial topic.

Current Michigan law permits a child as young as fourteen years old to be automatically prosecuted in adult court, convicted, and sentenced to a mandatory sentence of life without the possibility of parole. Because of the mandatory nature of Michigan's sentencing scheme, neither the courts nor the parole board have discretion to consider the child's age, development, or family circumstances when determining their culpability for the crime or potential for rehabilitation.

Adolescent development researchers argue that structural and functional changes in the brain during adolescence are linked to normative teen behaviors such as increased risk-taking, poor decision-making, sensation-seeking, and lack of understanding of long-term consequences. The research also reveals that while pure cognitive capacities are very close to an adult level by age 16, there is a significant developmental gap inhibiting the ability to make informed decisions with good judgment. This is associated with adolescents experiencing more mood swings and extreme emotional arousal compared to adults and is also associated the influence of peer pressure and lack of self-control.

It is particularly important to note that because development continues throughout adolescence, youth are far more amenable to rehabilitative programs and behavior modification during these formative years. As children become more independent, the positive influences of community members outside the home become more important. Conversely, harsh punishments during adolescence can further solidify a child's trajectory down the wrong path.

Over the past decade, the U.S. Supreme Court extensively cited this research in landmark decisions to abolish the juvenile death penalty (*Roper v. Simmons*, 2005) and prohibit juvenile life without parole sentencing for non-homicide offenses (*Graham v. Florida*, 2010). Most recently, the Court's decision in *Miller v. Alabama* (2012) made clear that mandatory life without parole for children is unconstitutional under the Eighth Amendment's prohibition of "cruel and unusual punishment." In all of these decisions, the Court recognized that kids are fundamentally different than adults, and that important factors, such as the child's age, immaturity, home environment, and the potential for rehabilitation, must be considered at sentencing.

It is my hope that, in implementing the *Miller* decision, the Michigan Legislature will enact House Bills 4806-4809 and provide a meaningful opportunity for once-troubled teens to realize their potential for change and rehabilitation.

Sincerely,

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